

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1 and 6-9 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Rejection of claims 7-9 based on 35 U.S.C. 112, first paragraph

Claims 7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the PTO asserts that “[i]t is not clear how a fully mechanically assembled and joined (presumably through expansion/press fit joints, as in Banzhaf) exchanger is to be further “claimed”, i.e. pressed so as to have its parts held in assembled relation.” (Page 2 of the Office Action.) Claim 7 has been amended so as to recite “clamping the configuration of the heat exchanger block into position in a clamping device” so as to clarify that the clamping step is referring to the placement of the assembled configuration into a clamping device for subsequent welding, as disclosed on page 5, lines 10-22 of the specification. Thus, the clamping step does not refer to any further step to keep the configuration in an assembled state. Because the specification discloses the step of clamping the assembled configuration into a clamping device for subsequent welding, claims 7-9 are enabled. For at least this reason, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 1 and 6-9 based on Banzhaf

Claims 1 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,269,870 (“Banzhaf”). For at least the following reasons, this rejection is traversed.

Claim 1 (as amended) recites “wherein the at least one header plate is welded to the housing casing via a circumferential bead which is arranged at one end surface of the housing casing, and wherein the circumferential bead extends to a depth between the housing casing and the header plate.” Banzhaf does not teach or suggest this combination of features. In particular, the weld 24 of Banzhaf cannot be considered to be the circumferential bead because it does not extend a depth between the tube sheet 19 and the metal part 15, 16. (Fig. 5 of Banzhaf.) The weld 25 of Banzhaf cannot be considered to be the circumferential bead

because it is not arranged at one end surface of the metal part 15, 16. (Fig. 5 of Banzhaf.) Thus, Banzhaf does not teach or suggest all the features of claim 1.

Claim 7 (as amended) recites “clamping the configuration of the heat exchanger block into position in a clamping device; and welding to each other (1) the housing casing and the at least one header plate, to form the circumferential weld bead, and also (2) the exhaust gas tubes and the at least one header plate, while the configuration is clamped in the same position in the clamping device.” Banzhaf does not teach or suggest this combination of features. In particular, the welding required to attach the tube sheet 19 to the shaped sheet-metal parts 15,16 (welds 24 and 25) require a different clamping configuration from the welding required to attach the tube bundle 13 to the tube sheet 19 because these welding take place in different perpendicular planes. Thus, Banzhaf does not teach or suggest all the features of claim 7.

Claims 6 and 8-9 depend from and contain all the features of claim 1 or claim 7, and are allowable therewith for at least the same reasons as claim 1 or claim 7, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3/1/2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

By Matthew J. Kneen (Reg. No. 58,671)
for

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479